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**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

**(PCT Article 36 and Rule 70)**

Applicant's or agent's file reference <b>0837RF-H543P</b>	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No.	International filing date ( <i>day/month/year</i> )	Priority date ( <i>day/month/year</i> )
PCT/US03/10080	01 April 2003 (01.04.2003)	03 April 2002 (03.04.2002)

**International Patent Classification (IPC) or national classification and IPC**

IPC(7): F16L 3/08, 3/12 and US Cl.: 248/74.2, 74.3, 74.4, 68.1, 65, 316.7, 316.1, 49, 51

Applicant

BELL HELICOPTER TEXTRON INC.

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
  2. This REPORT consists of a total of 3 sheets, including this cover sheet.  
 This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_ sheets.

3. This report contains indications relating to the following items:

  - I  Basis of the report
  - II  Priority
  - III  Non-establishment of report with regard to novelty, inventive step and industrial applicability
  - IV  Lack of unity of invention
  - V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI  Certain documents cited
  - VII  Certain defects in the international application
  - VIII  Certain observations on the international application

Date of submission of the demand 22 October 2003 (22.10.2003)	Date of completion of this report 24 June 2004 (24.06.2004)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	<p style="text-align: center;">for Authorized officer Kimberly Wood  Telephone No. 703-308-2168</p>

**I. Basis of the report**

## 1. With regard to the elements of the international application:\*

the international application as originally filed.

the description:

pages 1-6 \_\_\_\_\_ as originally filed

pages NONE \_\_\_\_\_, filed with the demand

pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

the claims:

pages 7 \_\_\_\_\_, as originally filed

pages NONE \_\_\_\_\_, as amended (together with any statement) under Article 19

pages NONE \_\_\_\_\_, filed with the demand

pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

the drawings:

pages 1-3 \_\_\_\_\_, as originally filed

pages NONE \_\_\_\_\_, filed with the demand

pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

the sequence listing part of the description:

pages NONE \_\_\_\_\_, as originally filed

pages NONE \_\_\_\_\_, filed with the demand

pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

the language of publication of the international application (under Rule 48.3(b)).

the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

contained in the international application in printed form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4.  The amendments have resulted in the cancellation of:

the description, pages NONE

the claims, Nos. NONE

the drawings, sheets/fig NONE

5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US03/10080**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>1-4</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-4</u>	NO
Industrial Applicability (IA)	Claims <u>1-4</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1-4 lack an inventive step under PCT Article 33(3) as being obvious over applicant's admitted prior art figures 1A and 1B in view of Imura 5,248,119. Figures 1A and 1B disclose a clip comprising base portion 13, a clamp portion 11 having opposing fingers 21, 23, and 25 that act as springs and form a channel, and a mounting aperture 17, a base having a lubricant disposed between the base portion and the structure (specification 2, line 1). Figures 1A and 1B disclose all of the limitations of the claimed invention except for the at least two mounting apertures, the polytetrafluoroethylene, and an anti-friction insert member. Imura teaches that it is known to have an anti-friction insert member comprising an elongated shaft portion (near 3), a central channel (where P is received), a longitudinal slot (see figure 2A, and column 3, line 10), a flange on each end (where the arrow for 4 is pointing). It would have been obvious to one having ordinary skill in the art to have modified the applicant's admitted prior art figures 1A and 1B to have included the anti-friction insert as taught by Imura for the purpose of preventing the tubular member from sliding within the clip. It would have been obvious to one having ordinary skill in the art to have modified Figures 1A and 1B to have an additional mounting aperture to the base portions since such a modification is merely a duplication of parts and generally recognized as being within the level of one skilled in the art. It would have been obvious to one having ordinary skill in the art to have modified the Figures 1A and 1B to have made the insert member of polytetrafluoroethylene, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice and the applicant has not disclosed how the material is a critical element of the invention. In re Leshin, 125 USPQ 416.